

## PROPOSED CHANGES

The following is a proposed edited version of Senate Bill 141 to address the concerns identified above. This edited version will help prevent bullying and harassment in schools.

NEW SECTION. Section 1. Short title. [Sections 1 through 4] may be cited as the "Schools Are for Education Act".

NEW SECTION. Section 2. Definitions. (1) "Bullying, harassment, or intimidation" means any threatening, insulting, or demeaning gesture or physical conduct or any intentional written, verbal, or electronic communication or threat directed against a student that ~~a reasonable person under the circumstances should know will have the effect of:~~

(a) ~~placing~~ CAUSES THE STUDENT PHYSICAL HARM OR DAMAGES THE STUDENT'S PROPERTY OR PLACES a student in reasonable fear of harm to the student or the student's property; OR

(b) ~~substantially interfering with~~ EFFECTIVELY BARS A STUDENT'S ACCESS TO AN educational performance or EDUCATIONAL opportunities OPPORTUNITY OR BENEFIT AND CREATES A HOSTILE EDUCATIONAL ENVIRONMENT; ~~or~~

~~(c) substantially disrupting the orderly operation of a school.~~

(2) The term includes retaliation against a victim or witness who reports information about an act of bullying, harassment, or intimidation.

NEW SECTION. Section 3. Bullying of student prohibited. (1) Bullying, harassment, or intimidation of a student enrolled in a public K-12 school or nonpublic accredited school by another student or an employee is ~~strictly~~ prohibited:

(1a) in a classroom or other location on school premises;

(2b) during any school-sponsored program, activity, or function where the school is responsible for the student, including on a school bus or other school-related vehicle; or

(3e) through the use of electronic communication, as defined in 45-8-213, that substantially disrupts the orderly operation of a school or any school-sponsored program, activity, or function where the school is responsible for the student.

(2) A PUPIL WHO IS DETERMINED BY A SCHOOL DISTRICT TO HAVE ENGAGED IN BULLYING, HARASSMENT, OR INTIMIDATION AS DEFINED IN NEW SECTION 2 SHALL BE DISCIPLINED IN ACCORDANCE WITH 20-5-201 AND 20-5-202.

**NEW SECTION. Section 4. School district implementation, minimum requirements, model policy, and compliance.** (1) By August 1, 2012, each school district shall adopt a policy ~~prohibiting~~ addressing bullying, harassment, or intimidation.

~~(2) The policy must be implemented in a manner that is ongoing throughout the school year and integrated with a school's curriculum, professional development programs, discipline policies, and other violence prevention efforts.~~

~~(3)~~(2) Each district has discretion and control over the development of its policy, but each district's policy must include at a minimum:

(a) a definition of bullying, harassment, or intimidation that includes the definitions provided in [section 2];

(b) a statement prohibiting bullying, harassment, or intimidation of any student as described in [section 3];

(c) a procedure for reporting and documenting reports of acts of bullying, harassment, or intimidation;

(d) a procedure for prompt investigation of all reports of bullying, harassment, or intimidation and response to all reported acts of bullying, harassment, or intimidation that identifies the persons responsible for the investigation and response;

~~(e) a procedure for determining whether the reported act is outside the jurisdiction of the school or district and a procedure for referral to the necessary persons or entity with appropriate jurisdiction~~ A STATEMENT THAT THE SCHOOL DISTRICT MAY REFER A REPORTED ACT OF BULLYING, HARASSMENT, OR INTIMIDATION TO AN OUTSIDE PERSON OR ENTITY WHEN APPROPRIATE;

(f) a procedure for prompt notification of the parents or guardian of the victim and perpetrator;

(g) a procedure to protect the victim from further bullying, harassment, or intimidation and to refer victims for appropriate remedial assistance, including counseling;

(h) a procedure for establishing consequences and appropriate remedial action, including counseling, for persons found to have committed acts of bullying, harassment, or intimidation; and

(i) a process for publicizing the policy, including prominent inclusion in each district's or school's student handbook.

~~(4) To assist school districts in developing a policy under [sections 1 through 4], the office of public instruction shall develop a model policy that must be available to the school districts no later than March 1, 2012.~~

~~(5)~~(3) Compliance with [sections 1 through 4-2] must be considered during a school's accreditation review pursuant to 20-7-102.

(4) A SCHOOL DISTRICT THAT HAS ACTUAL KNOWLEDGE OF BULLYING, HARASSMENT, OR INTIMIDATION THAT IS SO SEVERE, PERVASIVE AND OBJECTIVELY OFFENSIVE THAT IT EFFECTIVELY BARS A PUPIL'S ACCESS TO AN EDUCATIONAL OPPORTUNITY OR BENEFIT AND IS DELIBERATELY INDIFFERENT TO THE HARASSMENT MAY BE HELD LIABLE.

NEW SECTION. Section 5. Codification instruction. [Sections 1 through 4] are intended to be codified as an integral part of Title 20, chapter 5, and the provisions of Title 20, chapter 5, apply to [sections 1 through 4].